



**Riverside County
Waste Management Department**

Hans W. Kernkamp, General Manager-Chief Engineer

December 7, 2005

John Robertus – Executive Officer
California Regional Water Quality
Control Board - San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

RE: Tentative Order No. R9-2005-0183 - Waste Discharge Requirements for Closure and Post-Closure Maintenance of Anza Sanitary Landfill, Anza, CA
LDU: 06-0204.02:agrove

Dear Mr. Robertus:

The Riverside County Waste Management Department (Department) has received your letter regarding Tentative Order No. R9-2005-0183, and its associated Monitoring and Reporting Program, dated November 14, 2005. The Department offers the following comments:

Comment 1: Tentative Order No. R9-2005-0183, Ground Water, Item 16

"The JTD indicates that there are 110 domestic supply wells located within one mile of the landfill. Of the 110 wells, 29 domestic supply wells located within one mile in direction that is down hydrologic gradient from the landfill. The depth to ground water in these domestic wells ranges from 160 feet below ground surface (bgs) to 415 feet bgs, with an average depth of 275 feet. Riverside County Industrial Waste Management Department (IWMD) does not currently monitor the deep bedrock aquifer. However, due to the potential impacts from the landfill, and the presence of downgradient drinking water well, monitoring of the bedrock aquifer is deemed necessary and appropriate."

Riverside County Industrial Waste Management Department (IWMD) should be changed to Riverside County Waste Management Department (RCWMD).

The Department disagrees with the San Diego Regional Water Quality Control Board's (RWQCB) conclusion that there are 29 wells located down hydrologic gradient from the landfill. The Department conducted an investigation of Riverside County Environmental Health Department's well drilling records. The Department also reviewed the historical groundwater flow direction data for the Anza Landfill, collected quarterly since 1988, and determined that it has remained in a southwest direction. This supports the regional groundwater contours of the Anza-Terwilliger basin as indicated in the 1988 Final SWAT report, which shows that groundwater flows in a southwesterly direction. The Department concludes there are no ground water wells downgradient from the contaminant plume within one-mile of the site. In addition, currently there are no agricultural or municipal/domestic supply ground water uses within one-mile downgradient from the plume. See the attached map for an illustration of the groundwater flow direction and the location of the 29 wells the RWQCB deems located down hydrologic gradient of the site. The nearest well deemed down hydrologic gradient from the landfill by the RWQCB is approximately 2,300 feet from the landfill property line.

In addition, as previously stated in the plume delineation report submitted to the RWQCB on December 8, 1997, as discussed at the November 1998 meeting between the Water Board and the Department, and as stated in the March 4, 2002 letter to the Water Board, the levels of VOCs detected at the site are typically between non-detect and/or below their respective MCL and/or DWAL levels. Therefore, the

Department believes there is limited amount of impact, if any, from the landfill to the surrounding ground water beneath the site to warrant sampling of the bedrock aquifer. Also, as stated in the plume delineation report and March 4, 2002 letter, the calculated contaminant plume extends only several hundred feet beyond the property boundary. It was also stated in the March 4, 2002 letter that the Department utilized the most conservative values when developing the model. Samples from downgradient ground water well A-5 continue to show VOCs either non-detect or near their respective MDLs. This indicates that the edge of the plume is located close to well A-5, rather than several hundred feet from the property boundary as determined by the conservative model.

Based on these findings, the Department believes monitoring of the bedrock aquifer is not deemed necessary or appropriate.

Comment 2: Tentative Order No. R9-2005-0183, Engineered Alternative Cover, Item 22

"The final cover at the Anza Landfill is an engineered alternative to the prescriptive cover design contained in 27 CCR. It will consist of a monolithic soil cover ranging from four to five feet in thickness....The final cover on the top deck (8.1 acres) will consist of a 1-foot foundation layer and a 4-foot vegetative soil layer. The side slopes (approximately 11.9 acres) will be covered with a 1-foot foundation layer and a 3-foot vegetative soil layer...."

Based on the data from monolithic cover performance obtained since 2002, it has been noted that thinner covers may offer more protection of groundwater than thicker covers. Based on this, the Department would like to discuss restoring the original 4-foot total final cover system proposed in 2001.

The original submittal of the Final Closure and Post-Closure Maintenance Plans (FCPMP) in July 2001 proposed a monolithic cover system consisting of a 4-foot thick cover (3-foot vegetative soil layer and 1-foot thick foundation layer). This design was modified after a meeting with the RWQCB on August 29, 2002 to include an additional foot of vegetative soil on the top deck of the landfill, as described above and in the Tentative Order. Analysis of the unsaturated flow model, included in the FCPMP, demonstrates that three feet of material is all that is required to contain moisture from the most severe precipitation event and any additional material does not provide additional benefit to infiltration and, in fact, may prevent evaporation from occurring.

If this modification is deemed acceptable, the FCPMP will be revised to reflect a 4-foot thick cover (3-foot vegetative soil layer and 1-foot thick foundation layer) for the entire site.

Comment 3: Tentative Order No. R9-2005-0183, CEQA and Other Legal References, Item 35

"The County of Riverside shall establish financial assurances in the amount of \$12,663,156. The financial assurances shall cover the costs estimated for closure, post-closure maintenance, and corrective actions for foreseeable releases from the waste management unit at the Anza Landfill:"

Task	Estimated Cost	Source of Cost Estimate
Closure	\$1,222,286	JTD (2002), Volume 1, Page 28
Post-Closure Maintenance and Monitoring	\$1,440,870	JTD (2002), Volume 2, Appendix 12, Page 10
Corrective Action for reasonably foreseeable releases	\$10,000,000	JTD (2002), Volume 1, Page 29

As stated in JTD (2002), Volume 1, Page 29, "In accordance with Title 23, Section 2550.0 (b), the Riverside County Waste Management Department established a self-insured remediation fund for initiating and completing corrective action for releases from County landfills through Resolution No. 91-653, which was approved by the Riverside County Board of Supervisors on December 17, 1991. This fund maintains a balance of at least \$10,000,000 at all times for use in responding to remediation issues at 16 Department landfills, including the Anza Sanitary Landfill, in which waste had been deposited until

December 8, 1994. A portion of the tipping fee at current active Department landfills is earmarked for replenishment of this fund as needed. See Appendix 13-C – Resolution No. 91-653, Establishment of a Self-Insured Corrective Action Fund.

The State Water Resources Control Board requirements under Title 23, 2550.0 (b) have been replaced by Title 27, Section 22222, requiring availability of funds for sites with a known or reasonably foreseeable release not covered by the CIWMB regulations. Annually, the Department reviews the corrective action costs for all Department sites, adjusts the liabilities accordingly, and annually budgets for required work. The Department, therefore, ensures there are sufficient funds to address corrective action measures at the Anza Sanitary Landfill."

The \$10,000,000 fund covered multiple sites and was not intended to be used solely for the Anza Landfill. On August 24, 2004, the Riverside County Board of Supervisors adopted Resolution 2004-387 (attached) providing financial assurance for remediation/corrective action for all Department landfills operated after July 1, 1991, including a subfund dedicated for any necessary work for the Anza Landfill. The amount set aside for corrective action in Resolution 2004-387 is \$330,000. As submitted to the CIWMB on August 3, 2005, the current amount set aside under this resolution is \$328,595 in 2005 dollars.

Also, the Final Closure and Post-Closure Maintenance costs were revised in 2002, and based on the annual inflation factors put out by the CIWMB, current 2005 costs, as submitted to the CIWMB on August 3, 2005 for Final Closure and 30 years of Post-Closure Maintenance for the Anza Landfill are \$1,311,359 and \$1,331,303, respectively. Please be advised that the current fund balance for the Escrow account for Anza Closure is in excess of the current closure estimate. Closure is fully funded, including costs for 20% contingency.

For your information, the August 3, 2005 annual CIWMB financial assurances submittal with the annual inflation factor increases or updated/current costs for all Department sites is attached.

Comment 4: Tentative Order No. R9-2005-0183, CEQA and Other Legal References, Item 36

"Funds associated with the financial assurances established pursuant to Finding No. 35 shall be made directly available to the Regional Board when the Regional Board finds that the county of Riverside has failed or refuses to implement closure, post-closure monitoring and maintenance, or corrective actions in response to a release from the waste management unit at the Anza Landfill."

In April 2003, the RWQCB contacted the Department regarding financial assurances for corrective action for the Anza Landfill and requested that the RWQCB be named as a beneficiary of the corrective action fund. At that time, the Santa Ana Regional Water Quality Control Board (Santa Ana RWQCB) had also contacted the Department, requesting that the Santa Ana RWQCB be named as the beneficiary of the corrective action fund for landfill sites within their jurisdiction. The Santa Ana RWQCB and the Department contacted the California Integrated Waste Management Board (Jonalyn Bajurin) for clarification of financial assurance requirements for corrective action.

The CIWMB established that it is not necessary for the RWQCB to be named as a beneficiary of the fund because the CIWMB requires financial assurance for corrective action based on the following:

As stated in CCR, Title 27, Section 22222, "At Units for which the CIWMB does not require financial assurances for corrective action, the RWQCB shall require the discharger to establish an irrevocable fund (or to provide other means) pursuant to the CIWMB-promulgated sections of this chapter but with the RWQCB named as beneficiary..."

Because the Department maintains financial assurances for closure, post-closure maintenance, and corrective action (as stated in Comment #3), as required by the CIWMB, the Department does not plan to modify the existing financial assurance mechanisms for the Anza Landfill.

Comment 5: Tentative Order No. R9-2005-0183, D. Provisions, Item 5.

"Within one year of the effective date of this Order, the Discharger shall establish and maintain adequate and acceptable assurances of financial responsibility for closure, post-closure monitoring and maintenance, or implementation of corrective action in response to a release of waste constituents from the waste management unit. The Discharger shall ensure that their selected financial assurance instrument meets the following minimum criteria:

- a. The financial assurance instrument makes funds directly available to the Regional Board upon a finding by the Regional Board that the Discharger has failed or refuses to implement closures, post-closure monitoring and maintenance, or conduct corrective actions in response to a release of waste constituents from the waste management unit.*
- b. The amount of the financial assurances are regularly updated to ensure that adequate funds can be made directly available to the Regional Board for implementation of closure, post-closure monitoring and maintenance, or corrective action."*

Please see Comment #4 above. Please be advised that, in accordance with Title 27, Section 22221, the Department will forward the current corrective action cost estimate for review and approval by the RWQCB annually. Final closure and post-closure maintenance cost estimates will be reviewed and approved by all appropriate regulatory agencies through the FCPMP review and approval process. These costs will be adjusted annually for inflation, or as needed due to other closure and/or post-closure maintenance plan changes.

Comment 6: Tentative Order No. R9-2005-0183, D. Provisions, Item 14

"This order becomes effective on the date of adoption by the Regional Board. This order supersedes Order Nos. 87-53 and addenda thereto. Monitoring and Reporting Program No. 87-53 contained therein and Order No. 93-86."

Rewrite the above paragraph as follows: "This order becomes effective on the date of adoption by the Regional Board. This order supersedes and rescinds Order Nos. 87-53 and addenda thereto and ; Monitoring and Reporting Program No. 87-53 contained therein. ~~and~~ This order also supercedes and rescinds Anza Sanitary Landfill's coverage under Order No. 93-86."

Comment 7: Tentative Order No. R9-2005-0183, E. Reporting Requirements, Item 1c

"The Discharger shall provide written notification at least 2 working days prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial use of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

- 1) Routine maintenance grading and dust control;*
- 2) Landscaping with minimal/no water application;*
- 3) Gas surveys with temporary probes; or*
- 4) Replacement/removal of gas collection wells."*

The Department believes that this requirement is excessive and burdensome. Items 1a and 1b provide a mechanism for review and approval, with timeframes of 30 to 120 days, of minor or significant changes from the governing document and permits for the site, which are the approved Final Post-Closure Maintenance Plan, upon closure completion and any active WDRs.

The Department believes any work that is routine maintenance or re-installation of any item in the approved FCPMP should not require advanced written notification. Many times, crews are scheduled on a daily basis for such routine work and the notification may prevent necessary maintenance work from

being performed in a timely manner. The Department requests that this item is removed from the Waste Discharge Requirements.

Comment 8: Tentative Order No. R9-2005-0183, E. Reporting Requirements, Item 10

"The Discharger shall operate and maintain a landfill gas migration control and detection system as required by the Air Pollution Control District (APCD) and the Local Enforcement Agency (LEA)."

The Anza Sanitary Landfill is located in Riverside County and is under the jurisdiction of the South Coast Air Quality Management District (AQMD), rather than the San Diego County Air Pollution Control District. Please make the appropriate change to the WDR. The Department contacted the San Diego County Air Pollution Control District and confirmed that the Anza Landfill is not located in APCD's jurisdiction.

Comment 9: Tentative Order No. R9-2005-0183, F. Notifications, Item 3

"Closure and post-closure maintenance of this waste management unit may be subject to regulations of the California Integrated management Board and the San Diego County Air Pollution Control District."

This paragraph should be revised as follows: "Closure and post-closure maintenance of this waste management unit may be subject to regulations of the California Integrated Waste Management Board and the ~~San Diego County Air Pollution Control District~~ South Coast Air Quality Management District." See response to Comment #8, above.

Comment 10: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, A. Monitoring Provisions, Items 11 & 12

11. *"After July 1, 2005, the Discharger shall submit any reports required by this Order electronically, in accordance with Section 3890 et. Seq. of the California Code of Regulations, Title 23, Division 3. The Discharger shall also continue to provide complete paper copies of all technical and monitoring reports to this Regional Board."*

12. *"Pursuant to CCR Title 23 §3895(b), the agency may require the Discharger to submit reports in an "alternate form":*

"(b) In addition to the electronic submittal of reports required pursuant to this Chapter, a regulatory agency may require the submittal of a report, or portions thereof, in diskette, compact disc, or other form if the agency determines that the alternative form is necessary. The burden including cost, of these alternative forms shall bear a reasonable relationship to the need for alternative form and benefits to be obtained from the alternative form."

The Regional Board cannot effectively review electronic versions of oversized figures and tables greater than 8 1/2 by 11 inches in size. In addition, the Regional Board is not equipped to provide paper copies of oversized submittals or make electronic copies of intermittent voluminous electronic documents available for public review. As a result, the regulations allow for the Regional Board to require the Discharger continue to provide complete paper copies of all submittals after July 1, 2005."

Title 23 CCR §3890 allows for the Regional Board to request the paper form in addition to the digital submittal. Accordingly, the Department requests this item should not be included as part of the Waste Discharge Requirements (WDR), but rather via a separate letter. This will allow the paper copy to be eliminated in the future, if deemed appropriate, without the need for a change to the WDR.

Comment 11: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, C. Evaluation Monitoring Program, Item 1

"The ground water monitoring network for the Anza Landfill is comprised of background wells and compliance wells. The background (upgradient) monitoring wells are: A-1 and A-2A. The compliance monitoring wells are: A-3, A-4 and A-5. The locations of these ground water monitoring wells are shown on Attachment No. 1 to this M&RP."

Well A-6 should be listed in this section as a background (upgradient) monitoring well.

Comment 12: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, C. Evaluation Monitoring Program, Item 3

"Local residents currently utilize a deep aquifer for domestic supply wells in areas located downgradient from the Anza landfill. Therefore, the Discharger shall monitor the deep aquifers in accordance with the performance requirements set forth in CCR Title 27§20405 and §20415. The Discharger shall provide the Regional Board with the following reports:

- a. A technical report containing a technical analysis of all the technical factors and information used to determine the stratigraphic intervals(s) currently used by the local domestic water supply wells to produce potable water to well owners located down hydrologic gradient from the Anza Sanitary Landfill.*
 - b. A workplan proposing the installation and development, monitoring and reporting of results from ground water wells to detect the migration of any waste constituents into the deep aquifer.*
- The technical report and workplan shall be provided to the Regional Board within 120 days of the adoption of this Order. Once established, the deep aquifer monitoring wells will be added to the overall ground water monitoring and reporting requirements for the Anza Sanitary Landfill and shall be monitored and maintained in accordance with this M&PR."*

As stated in Comment #1, above, the Department believes monitoring of the bedrock aquifer is not deemed necessary or appropriate; therefore, the Department requests that this requirement be removed from the tentative Waste Discharge Requirements and the Monitoring and Reporting Program.

Comment 13: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, C. Evaluation Monitoring Program, Item 9

"Ground water sampling shall also include an accurate determination of field parameters (pH, temperature, electrical conductivity and turbidity) for each monitoring points or background monitoring point [CCR Title 27§20145(e)(13)]."

The Department requests that the Regional Board allow the turbidity readings to be performed by a laboratory, rather than in the field. Historically, the Department has had very little success with turbidity meters. The turbidity meters are time consuming and on very turbid wells, difficult to get an accurate reading. Wells with high turbidity must be diluted in the field and then the turbidity level is calculated. In addition, field readings other than turbidity, such as pH, conductivity, and temperature, are typically used to verify that the sample is representative of the aquifer. The Department's turbidity meter is not capable of continuously measuring turbidity during the purging of the well. The Department believes that a laboratory result would be satisfactory for this parameter.

Comment 14: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, D. Evaluation Monitoring Specifications, Item D.2.b.

"The discharger shall annually sample, analyze and report analytical results from vapors, collected from the vadose zone vapor probes or active Landfill Gas (LFG) system, for all volatile organic constituents listed in Appendix II not historically detected in landfill gas....."

The Department is not required at this time by the AQMD or LEA to have a LFG system installed at the site. The Department proposes to sample the perimeter gas probes in order to comply with the WDR and M&RP. The Department proposes to utilize the sampling protocol approved by the AQMD in determining which probe to take an annual sample from. AQMD protocol consists of the following:

The sampling to detect off-site migration of landfill gas consists of using below-grade probes placed at or near the footprint of the landfill. Each probe is screened for TOC (measured as methane) and oxygen concentrations. All probes with a methane concentration of 5% by volume or greater are sampled for laboratory analysis. When all probes are measured at less than 5% methane, the probe with the highest

methane concentration higher than 1% is sampled. In the event that during the course of the year no probe has had a detectable level of methane greater than 1%, then the probe with the lowest oxygen reading is sampled. A minimum of one sample is taken at the landfill per year regardless of methane concentration.

The Department has confirmed with its current laboratory that they are unable to perform analysis of air samples for Semi-volatile Organic Compounds and the following Volatile Organic Compounds listed in Appendix II:

- | | |
|--------------------------------------|-------------------------------|
| • 1,1-Dichloropropene | • Ethyl Methacrylate |
| • 2,2-Dichloropropane | • Iodomethane (Methyl Iodide) |
| • Acetonitrile | • Isobutyl Alcohol |
| • Acrolein | • Methacrylonitrile |
| • Acrylonitrile | • Methyl Methacrylate |
| • Bromochloromethane | • Napthalene |
| • Chloroprene | • Propionitrile |
| • Dibromomethane (Methylene Bromide) | • Trans-1,4-Dichloro-2-butene |

The Department will need to investigate further what methods and laboratories, if any, can analyze the parameters listed above and Semi-volatile Organic Compounds in air samples.

Comment 15: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, D. Evaluation Monitoring Specifications, Item D.3.a.

The Department requests the removal of 2-Butanone (MEK) from the COC list in Attachment 2 of the M&RP. 2-Butanone (MEK) has not historically been detected at the site in any of the groundwater monitoring wells.

1,1-Dichloroethane was misspelled as 1,1-Dichlorrethane on Attachment 2 of the M&RP.

Dichlorofluoromethane should be listed as Dichlorodifluoromethane to reflect the constituent detected at the site and listed in Appendix II of 40 CFR.

The Department requests the removal of Total Non-volatile Petroleum Hydrocarbons from the COC list. This is not listed in Appendix II of 40 CFR, nor has it been detected in the groundwater wells at the Anza Landfill.

Comment 16: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, D. Evaluation Monitoring Specifications, Item D.3.d.

"The existing monitoring points and background monitoring points for the evaluation -monitoring program are shown in Attachment No. 1 to this M&RP. Once established, the Discharger shall amend Attachment No. 1 to this M&RP adding the location(s) of any additional deep aquifer monitoring wells...."

As stated in Comment #1, above, the Department believes monitoring of the bedrock aquifer is not deemed necessary or appropriate; therefore, the Department requests that this requirement be removed from the tentative Waste Discharge Requirements and the Monitoring and Reporting Program.

Comment 17: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, F. Response to Detection of VOCs in Background, Item 4.

"In the absence of any other determination by the Regional Board within 90-days of the Dischargers initial report under Section F.1 above, the Discharger shall assume that a release has been detected and shall immediately begin carrying out the applicable requirements for Response to a Release (per Sections E.2 and E.5 of this Monitoring Program)."

The Department requests that the Regional Board respond to each of the Department's reports and state for the record that they agree or disagree with the Department's findings. The lack of any response should not be justification for the Department to enter into another Evaluation Monitoring Program which could lead to a Corrective Action Program. The Department should be offered the opportunity to receive the Regional Board's findings and reasoning for disagreeing with the Department's report.

In addition, Section E.5, could not be located in the M&RP provided.

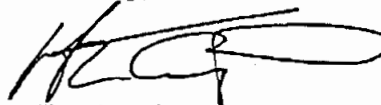
Comment 18: Tentative Order No. R9-2005-0183, Monitoring and Reporting Program, I, Reporting

The Department requests that the Well installation workplan requirement be deleted from the table in this Section. As stated in the first comment above, the Department believes monitoring of the bedrock aquifer is not deemed necessary or appropriate; therefore, the Department requests that this requirement be removed from the tentative Waste Discharge Requirements and the Monitoring and Reporting Program.

There are several significant issues and conclusions included in Tentative Order No. R9-2005-0183. Over the past several years, there have been key technical submittals to the RWQCB regarding groundwater and permitting issues the Department has not received comment on to date. Also, there is new data available regarding enhanced closure design that the Department would like to have the opportunity to discuss with your agency. The Department requests serious consideration of the above comments and a response to the comments and/or a revised draft of the Tentative Order No. R9-2005-0183 at your earliest convenience.

If you have any questions, please contact me or Joe McCann of my staff at (951) 486-3200.

Sincerely,

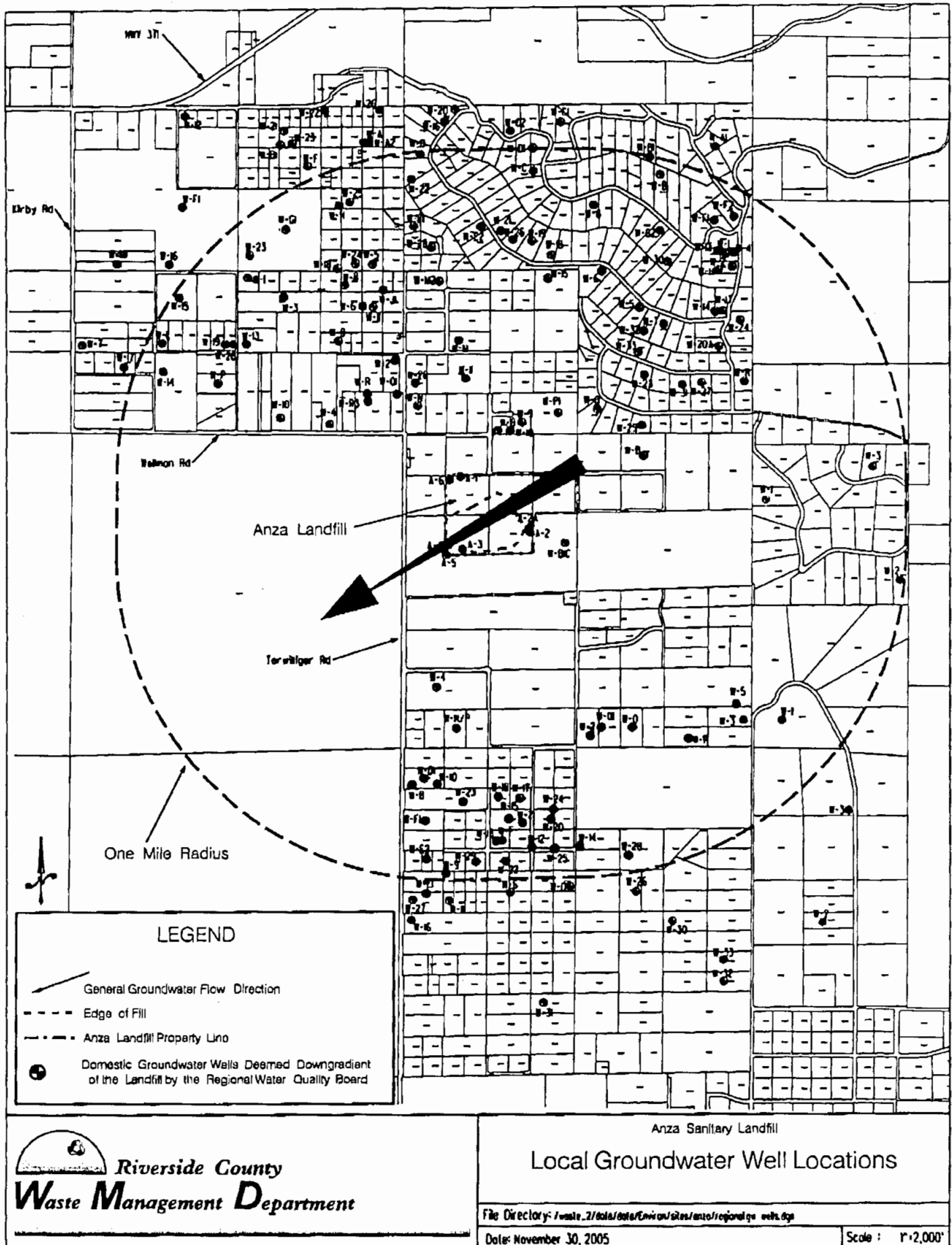


Hans Kemkamp
General Manager – Chief Engineer

ACMD/AE: acmd/ae
PD# 39168v3

Attachments: Well Location Map
Riverside County Board of Supervisors adopted Resolution 2004-387
August 3, 2005 annual CIWMB financial assurances submittal

cc: John Odermatt, RWQCB, w/ attachments
Amy Grove, RWQCB, w/ attachments
Alan Berry, CIWMB, w/ attachments
Steve Moise, LEA, w/ attachments
Charles Strey, LEA, w/ attachments
Angela Dufresne, w/ attachments
Anne Ennesser, w/ attachments
Andrew Cortez



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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Waste Management Department

SUBMITTAL DATE:
August 2, 2004

SUBJECT: Establishment of Corrective Action Plan (CAP)/Remediation Sub-Funds for Certain Riverside County Landfills

RECOMMENDED MOTION:

That the Board of Supervisors:

1. Adopt Resolutions 2004-377, 2004-378, 2004-379, 2004-380, 2004-381, 2004-382, 2004-383, 2004-384, 2004-385, 2004-386, 2004-387, 2004-388, 2004-389, 2004-390, 2004-391, 2004-392, and 2004-393 establishing sub-funds for corrective action plans (CAP) in accordance with Title 27, California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 6, Section 22241;
2. Direct the Auditor-Controller and the Treasurer-Tax Collector to deposit all interest earned by these sub-funds to be deposited in the sub-funds for future use as specified in the Corrective Action Plan in accordance with the Resolutions;
3. Direct the Auditor-Controller and the Waste Management Department (WMD) to close the existing remediation sub-fund - Fund 40213, and redeposit the monies into the individual CAP/Remediation Sub-Funds as directed by the General Manager - Chief Engineer of WMD; and
4. Direct the General Manager - Chief Engineer of WMD to transfer from the WMD General Closure/Post-closure Fund (Fund 40212-4500100000) any additional monies needed to fund the CAP/Remediation Sub-Funds as approved by the Regional Water Quality Control Boards in September 2003. (Continued)

Hans W. Kernkamp, General Manager-Chief Engineer

**FINANCIAL
DATA**

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	2005

SOURCE OF FUNDS: Department Charges for Services - Tipping Fees

Positions To Be Deleted Per A-30 ☐

Regular 1/5 Vote ☐
FORM APPROVED
COUNTY COUNSEL

C.E.D. RECOMMENDATION:

APPROVE

AUG 02 2004

County Executive Office Signature

By: Lee A. N. [Signature]

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Venable, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley

Noes: None

Absent: None

Date: August 24, 2004

xc: Waste Mgmt., Auditor-Controller, Treasurer Tax Collector, Co. Co.

Nancy Romero

Clerk of the Board

By: [Signature] Deputy

Prev. Agn. Ref.:

District:

Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

122
RCS_GENERAL-#19439-V2

August 2, 2004

Establishment of Corrective Action Plan (CAP)/Remediation Sub-Funds

BACKGROUND:

The California Integrated Waste Management Board (CIWMB), in keeping with Title 27 of the California Code of Regulations, requires all operators of landfill facilities to establish financial assurance mechanisms for landfills requiring corrective action plans (CAP).

In 1997, the General Manager-Chief Engineer of the Waste Management District, with the approval of the Board of Supervisors, established a trust fund of \$10 million with the County Treasurer-Tax Collector (Fund 40213). Those monies were to be used as partial funding for anticipated corrective action plans for the County of Riverside landfill system.

As the current financial assurance mechanism was established prior to Title 27 being in effect, the CIWMB recently requested that the Department submit financial assurance demonstrations for corrective action costs. The corrective action cost estimate for each landfill is required to be approved by the applicable Regional Water Quality Control Boards (RWQCB). In September 2003, the RWQCB approved the revised estimated dollar amounts necessary to fund potential corrective action costs for the various Riverside County landfills listed on Attachment A. The CIWMB, in keeping with Title 27 of the California Code of Regulations, requested that individual trust funds be established for the listed landfills operating under the State permits. In addition, those landfills requiring corrective action plans not subject to the CIWMB financial assurance regulations are required to establish a secure fund with the RWQCB named as beneficiary.

The trust funds will be established by the Auditor-Controller as sub-funds to the WMD enterprise operating fund. The sub-funds will be funded in accordance with the approved amounts on Attachment A. The existing remediation sub-fund (Fund 40213), with an approximate balance of \$10.2 million, established in 1997 will be reallocated to the new site specific sub-funds. The additional amount of approximately \$6.3 million needed to fund the CAP/Remediation Sub-Funds will be transferred out of WMD general closure/post-closure reserve cash balances.

The existing remediation sub-fund will be closed after the monies in the fund are distributed.

The amounts on deposit in the sub-funds will be reviewed on an annual basis and adjusted for changes in the projected costs as is necessary and prudent based on WMD management analysis and CIWMB approval. Monies will be released from the sub-funds by CIWMB after acknowledgment of completed, qualified work or upon CIWMB approval of sub-funds being over funded and therefore eligible for reduction of balance on hand. Additional funding will be provided from the disposal fees charged at the landfill.

Any monies released from the CAP/Remediation Sub-Funds due to over funding will be deposited into WMD operating fund and used to offset increases in operating costs and/or fee increases.

Attachment A

**WASTE MANAGEMENT DEPARTMENT
CORRECTIVE ACTION COST ESTIMATES
FOR COUNTY LANDFILLS**

RESOLUTION NUMBER	LOCATION	FACILITY # /OASIS Location Code	TOTAL
2004-377	HIGHGROVE	33-AA-0003 /6223-90344	\$4,240,000
2004-378	BLYTHE	33-AA-0017 /0850-90306	257,500
2004-379	DESERT CENTER	33-AA-0016 /1950-90317	280,000
2004-380	DOUBLE BUTTE	33-AA-0008 /8700-90360	903,000
2004-381	BADLANDS	33-AA-0006 /4277-90336	3,070,050
2004-382	EDOM HILL	33-AA-0011 /1360-90307	1,510,000
2004-383	OASIS	33-AA-0015 /5250-90340	305,000
2004-384	LAMB CANYON	33-AA-0007 /0701-90303	1,100,000
2004-385	COACHELLA	33-AA-0012 /1603-90313	1,125,000
2004-386	MEAD VALLEY	33-AA-0009 /5712-90341	1,135,000
2004-387	ANZA	33-AA-0013 /0450-90300	330,000
2004-388	MECCA II	33-AA-0071 /3754-90332	295,000
2004-389	CORONA	1704-90316	324,000
2004-390	ELSINORE	3602-90330	590,000
2004-391	WEST RIVERSIDE	6289-90353	660,000
2004-392	BEAUMONT	0705-90305	205,000
2004-393	HEMET	2282-90321	165,000
	TOTAL ESTIMATED CORRECTIVE ACTION COST		\$16,494,550

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1 RESOLUTION 2004-387

2 FINANCIAL ASSURANCE FOR REMEDIATION/CORRECTIVE ACTION

3 OF THE ANZA LANDFILL

4 WHEREAS, Public Resources Code sections 43500 through 43601.1 and
5 sections of Title 27, California Code of Regulations (Regulations), Division
6 2, Subdivision 1, Chapter 6, require operators of solid waste landfills to
7 demonstrate the availability of financial resources to conduct closure and
8 post-closure maintenance activities;

9 WHEREAS sections 22228 and 22241 of the Regulations specify an
10 Enterprise Fund and related financial assurance mechanisms as acceptable
11 mechanisms to demonstrate financial responsibility for financing the closure
12 and post-closure maintenance and corrective action of a solid waste landfill;

13 WHEREAS the County of Riverside operates the Anza Landfill, a solid
14 waste landfill, in conformance with the findings, conditions, prohibitions
15 and requirements contained in Solid Waste Facilities Permit No.33-AA-0013;
16 and

17 WHEREAS the County of Riverside has previously established approved
18 financial assurance mechanisms for closure and post-closure maintenance
19 activities at the Anza Landfill

20 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the
21 County of Riverside that:

- 22 1. The General Manager-Chief Engineer of the County of Riverside
23 Waste Management Department (Chief Engineer) is authorized and
24 directed to withdraw funds from the Enterprise Fund, for deposit
25 into the financial assurance mechanism hereafter provided,

1 sufficient to meet the requirements of sections 22225 and 22241
2 of the Regulations on a timely basis.

3 2. The funds referred to in Section 1 above shall be deposited and
4 retained by the Treasurer of the County of Riverside (Treasurer)
5 in a separate fund to be known as the Anza Landfill Corrective
6 Action Fund (Corrective Action Fund) established by the Auditor-
7 Controller of the County of Riverside (Auditor-Controller) and
8 shall be used to pay only corrective action of the Anza Landfill.

9 3. The Corrective Action Fund shall be and remain inviolate against
10 all other claims, including claims of the County of Riverside or
11 its Board of Supervisors or the creditors thereof, it being the
12 intent of this Resolution that the mechanism established will
13 provide equivalent protection to a trust fund by ensuring:

14 a) That the assured amounts of funds will be available in a
15 timely manner for corrective action of the Anza Landfill; and

16 b) That payments from the Fund shall be made by the Treasurer, as
17 directed by the California Integrated Waste Management Board
18 (CIWMB), in writing, for the payment of the costs of
19 corrective action of the landfill covered by this resolution.

20 4. Disbursement of funds for corrective action shall be in
21 accordance with section 22234 of the Regulations as prescribed in
22 section 3.b) above.

23 5. The Corrective Action Fund shall be invested by the Treasurer in
24 the manner provided by law.

25 6. In the event that CIWMB determines that the County of Riverside
has failed, or is failing, to perform corrective action as

1 required by the law, the CIWMB may direct the Auditor-Controller
2 to pay to the Chief Engineer from the Corrective Action Fund
3 sufficient funds to ensure corrective action maintenance, who
4 then shall be obligated to use such funds for corrective action
5 in accordance with the directives of the CIWMB.

6 7. The Chief Engineer is directed to produce an annual report for
7 transmittal to the CIWMB, containing the following information
8 concerning the Anza Landfill:

9 a) As appropriate, a revised closure cost estimate, prepared as
10 specified by Section 21820 of the Regulations.

11 b) As appropriate, a revised post-closure maintenance cost
12 estimate, prepared as specified by Section 21840 of the
13 Regulations.

14 c) As appropriate, a revised corrective action cost estimate,
15 prepared as specified by Section 20430 of the Regulations.

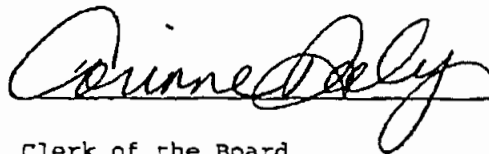
16 d) Status, including current balance of the Anza Landfill
17 Corrective Action Fund.

18 8. The number of current members of the Board of Supervisors of the
19 County of Riverside who voted affirmatively when this resolution
20 was adopted:

21 Ayes:

22 Noes:

1
2 I, Nancy Romero, Clerk of the Board of Supervisors of the County of
3 Riverside, do hereby certify that the foregoing is a full, true, and
4 correct copy of a resolution adopted by the Board of Supervisors of the
5 County of Riverside at a regular meeting held on August 24, 2004 and
6 duly entered in the minutes of said County.

7
8 
9 Clerk of the Board

ROLL CALL

10
11
12 Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
13 Noes: None
14 Absent: None
15
16
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**Riverside County
Waste Management Department***Hans W. Kernkamp, General Manager-Chief Engineer*

August 3, 2005

Garth C. Adams, Manager
Financial Assurances Section
California Integrated Waste Management Board
1001 "P" Street, P.O. Box 4025
Sacramento, CA 95812-4025

RE: Submittal of Landfill Closure Cost Estimates

Dear Mr. Adams:

In response to your request letter, received May 2, 2005, enclosed please find the annual cost estimates for the following facilities:

<u>Facility Name</u>	<u>Facility No.</u>	<u>Facility Name</u>	<u>Facility No.</u>
Anza	33-AA-0013	Edom Hill	33-AA-0011
Badlands	33-AA-0006	Highgrove	33-AA-0003
Blythe	33-AA-0017	Lamb Canyon	33-AA-0007
Coachella	33-AA-0012	Mead Valley	33-AA-0009
Desert Center	33-AA-0016	Mecca II	33-AA-0071
Double Butte	33-AA-0008	Oasis	33-AA-0015

It is noted that the original due date for the above listed reports was June 1, 2005. As discussed with California Integrated Waste Management Board staff, the Department is submitting the information in early August in order to allow time to compile fiscal year tonnage data for Riverside County Waste Management Department (Department) sites. This provides a consistent point of reference for the annual cost estimates.

Please be advised that all Corrective Action Costs and that the Closure and Post Closure Costs for the Blythe landfill have been recalculated and are in 2005 dollars, as such the annual inflation factor of 1.021 was not applied.

If you have any questions regarding the reports, please contact me at (951) 486-3200.

Sincerely,

Joseph R. McCann
Assistant Chief Engineer

AE:ae

PD# 6771-v5

Enclosures: as stated

cc: Jonalyn Bajurin, CIWMB
Hans Kernkamp
Anne M. Ennesser
Angela Dufresne
Debbie Woods
Justine Quinones
Stacey Hubbard

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www.rivcowm.org

printed on recycled paper

ANNUAL INFLATION FACTOR 2004FACILITY NAME: Anza Sanitary Landfill FACILITY NO.: 33-AA-0013

Multiply each cost estimate by the inflation factor to determine the new adjusted cost estimates as illustrated below.

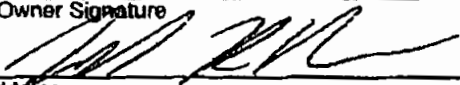
The ABC Landfill's **COST ESTIMATE** for **CLOSURE** in 2004 was \$2,000,000. Using the 2004 inflation factor of 1.021, they recalculated their **ADJUSTED CLOSURE COST** for 2005 to \$2,042,000. Their 30-year **COST ESTIMATE** for **POSTCLOSURE MAINTENANCE** in 2004 was \$1,500,000. Using the 2004 inflation factor of 1.021 their **ADJUSTED POSTCLOSURE MAINTENANCE COST** for 2005 is \$1,531,500. Their cost estimate for corrective action in 2004 was \$1,000,000. Using the 2004 inflation factor of 1.021, they recalculated their **ADJUSTED CORRECTIVE ACTION COST** for 2005 to \$1,021,000.

Closure estimate	\$2,000,000	X 1.021	=	\$2,042,000
30-year Postclosure estimate	\$1,500,000	X 1.021	=	\$1,531,500
Corrective Action	\$1,000,000	X 1.021	=	\$1,021,000

Using the inflation factor for 2004, calculate the following:

\$ 1,284,387	X	1.021	=	\$ 1,311,359
Closure Costs				estimate in 2005 dollars
\$ 1,303,921	X	1.021	=	\$ 1,331,303
Annual Postclosure Costs X 30 years				estimate in 2005 dollars
\$ 0	X	1.000	=	\$ 328,595
Corrective Action Costs				estimate in 2005 dollars

I certify under penalty of perjury under the laws of the State of California that the information in this document is true and correct to the best of my knowledge and is being provided in accordance with the regulations.

Operator/Owner Signature 	Title of Person Signing Assistant Chief Engineer
Mailing Address 14310 Frederick Street, Moreno Valley, CA 92553	Printed Name of Person Signing Joseph R. McCann
Phone Number (951) 486-3200	Date of Report August 3, 2005

Thank you for providing this information.

1) All Corrective Action Costs have been reevaluated and are in 2005 dollars; therefore, they do not reflect the inflation factor increase. Corrective Action Costs are presented as remaining costs and do not include past years' budgeted or actual costs.